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## A CELEBRATED CASE OF AN EARLY DISTRICT DAY: UNITED STATES VS. HENRY PITTMAN.

By HENRY E. DAVIS.

(Read before the Society, November 20, 1917.)

In the issue of the *Alexandria Gazette* of Wednesday, December 19, 1827, appeared this item of news:

*"Blackhearted Villainy.*—An attempt was made on Monday night, between the hours of 9 and 10 o'clock, to assassinate Mr. John Corse, one of our most respectable and quiet citizens, and a man of numerous family. Going from his store to his dwelling, he was suddenly intercepted by a villain, who immediately shot him with a pistol, and retreated. Though severely wounded, we are happy to state that he is out of danger and doing well. A printer by the name of Henry Pittman is positively asserted by Mr. Corse to have committed the act and a warrant has accordingly been issued for his apprehension. At another time we shall enter more into detail."

In the issue of the next day, Thursday, December 20, 1827, appeared the following:

"We have before us a communication from Mr. Henry Pittman relative to the attempted assassination of Mr. Corse. He says that we have treated him cruelly, denies the commission of the act, expresses a willingness to submit to the most rigid examination, pledges himself to visit the town during the coming week for that purpose, and promises the most incontestable proof that he was 'at no time in Alexandria on Monday.' "

Beyond these two references to an occurrence which at the time stirred to their depths the two communities of Alexandria and Washington, diligent search fails to disclose even an allusion in the press of either city,

and this, notwithstanding that the trial of the man accused, which took place nearly, if not quite, a full year after the event, absorbed the attention and interest of the inhabitants of the entire District of Columbia as then constituted, consisting of the cities of Georgetown, Alexandria and Washington, and the two counties of Alexandria and Washington; which latter, though physically including, were yet, as municipal though not judicial entities, exclusive of the two cities whose names they bore. For while each of the two counties of Alexandria and Washington had its Levy Court in accordance with the Maryland system, the entire District was judicially but one circuit, with a Court, known as the Circuit Court of the District of Columbia, sitting alternately for the territories respectively constituting the two counties, with the cities included.

On the same day on which the first of the items quoted appeared in the *Alexandria Gazette*, namely, December 19, 1827, this entry was made in the minutes of the Circuit Court of the District of Columbia for the County of Washington:

“HENRY PITTMAN having been brought before the Court by virtue of a Bench Warrant, issued upon the affidavit of John Corse charging the said Henry Pittman with assault & battery by shooting the said John Corse with a pistol, with intent to kill him, and having been ordered to recognize with two sureties, to be approved by the Court or one of the Judges thereof in the sum of One thousand dollars for his appearance in the Circuit Court of the District of Columbia for the County of Alexandria on the 2d Monday of April next, and in the mean time to be of good behaviour, and having failed so to recognize, it is ordered that he be committed to the custody of the Marshal for trial.”

How long Pittman remained in the custody of the

Marshal I have not been able to learn, as the existing Court minutes shed no light on the case, and, as stated, no allusion of the press to the case other than the two mentioned is to be found. Later, however, this addition to the above-quoted minutes was made:

“The affdt. & Bench Warrant sent Alexa. by Genl. Jones in pursuance of an order from the Court in session in that County 11th Nov. 1828.”

As the trial terms of the Court when sitting in Washington were, at the time, held in May and December of each year; as the minutes of the term of December, 1828, are missing; and as there is nothing relating to the case to be found in the minutes of the Court of any of the terms from and after that of May, 1828, it is inferred that the trial took place at the term of December, 1828, an inference strengthened by the fact that the still existing book containing the signatures and oaths of office of attorneys practising before the Court discloses the fact that at that term the name of the attorney representing Pittman, namely, Christopher Neale, appears therein for the first time.

Previously, however, to this, Pittman had been indicted at the April, 1828, term of the Court sitting for Alexandria County, and the proceedings of the Court for that term, as reported in the third volume of Cranch’s Circuit Court Reports, at page 289, show the following, interesting as well for its indication of Pittman’s defiant attitude, or what today we would call “nerve,” as for its light upon the history of the case:

“UNITED STATES VS. PITTMAN.

“A prisoner arraigned for felony is to be placed in the criminal box, or dock, at the time of arraignment, but need not hold up his hand when called, if he admits himself to be the person indicted.

“Indictment for shooting John Corse, with intent to disfigure, maim, and kill him.

“The prisoner requested that he might be permitted to plead without going into the criminal dock, in which prisoners usually stand when arraigned, and which is set apart for that purpose.

“The attorney for the United States did not assent to it.

“MR. NEALE, for the prisoner, cited Burr’s case, in which arraignment was dispensed with.

“The Court (*nem. con.*) said, that according to the practice in this Court, and of other courts of criminal jurisdiction, for the purpose of preserving order and regularity, a certain place in court is assigned in which persons are to be placed by the marshal, to be arraigned. The record states that he is brought to the bar in the custody of the marshal, and the Court think proper to adhere to the practice.

“The prisoner then went into the prisoner’s box. The Court told him that if he acknowledged himself to be the person indicted, he need not hold up his hand. He was then arraigned, and pleaded not guilty.”

As appears, this occurred at Washington at the May, 1828, term of the court, and the affidavit and bench warrant in the case were sent to Alexandria by General Walter Jones, the leading lawyer of the District of that day, in pursuance of an order from the Court in session in Alexandria County, November 11, 1828. The Alexandria County records of the Court have been searched in vain for the order thus referred to, or any subsequent reference to the case; and outside of the scant memorials mentioned, the history of this most interesting and celebrated case rests wholly in tradition.

A probable explanation of the silence of the press of the day on the subject is suggested by the fact (for knowledge of which I am indebted to Mr. W. B. Bryan’s interesting and invaluable “History of the

National Capital") that the first punishment for capital crime in the District, namely, that of one James McGurk, who, in October, 1802, was executed for the murder of his wife, received only the scant notice in the *National Intelligencer* that "Yesterday was executed James McGurk, sentenced to death for the murder of his wife"; and that as lately as June 2, 1815, the same journal, in explaining why it had not published certain articles sent to it relating to the personal merits of candidates for the office of Mayor, an election to which office was then pending, said, "We all know each other in the City, and the topic is one very uninteresting to those who do not belong to it," indicating that, in the opinion of that journal at least, details of local happenings and affairs were so well known to the members of the comparatively small community at the time, that report of them would not constitute news.

Whether before or after Pittman's arraignment as above reported (probably after, as the above-quoted entry from the records of the Court for the County of Washington shows that the affidavit and bench warrant in the case were sent to Alexandria in the following November), Pittman obtained a change of venue from Alexandria to Washington for his trial, and he was undoubtedly tried at the December, 1828, term of the Court for the County of Washington. This apparent long delay in his being brought to trial, being quite a year after the commission of his alleged offense, was, however, not abnormal. At the time there were but two terms of the Court for Alexandria, namely, in April and November, and but two terms for Washington, namely, in May and December of each year, and according to the then prevailing practice, one indicted at one term had the right to have his trial de-

ferred until the succeeding term. As the alleged offense was committed in December, 1827, during which month there was no session of the Court at Alexandria, he could not be indicted until the following term of the Court in April, 1828. Being indicted at that term and arraigned at Washington at the May, 1828, term, he had the right, according to prevailing practice, to have his trial deferred until November, if to be at Alexandria, or until December, if to be at Washington; so that notwithstanding the seeming long lapse of time, he, having availed himself of his right to a change of venue, was in fact brought to trial at the earliest possible term of Court.

The incidents of the trial, so far as they have survived in tradition, will be referred to hereinafter.

As will appear, Pittman was acquitted of the charge against him, but the details of the case, although as will be seen they were not disclosed at the trial, became known to the community, partly through Pittman's own disclosures, and partly through the statements of others, who for reasons presently to be seen were either incompetent to testify, or had such slight knowledge of any of the facts that the case could not be laid in its details before the jury.

The story of the case from its beginning is this:

In June, 1811, there was established at Alexandria, by John Corse, the victim of Pittman's assault, and one N. Rounsvell, a newspaper, by name the *Alexandria Herald*, which at first was published semi-weekly, but from June, 1815, tri-weekly. Corse and Rounsvell continued in proprietorship of the paper until May, 1819, from which time until the year 1822 it was published by Rounsvell and Pittman jointly, and after 1822 by Pittman alone. The last issue of the paper was of date November 16, 1826.

Corse was a merchant, and Pittman a printer, a vocation by the way in much repute at that time; for, as has been pointed out by Mr. Bryan, quoting from the press of the day, no fewer than six of the Mayors of the city were members of that craft, and as early as November, 1801, there was in existence an association of the journeyman printers of the District of Columbia, being the third in point of time in the country, and this was followed by the organization of the Columbia Typographical Society in 1815; and in the opening years of the nineteenth century Washington was the center of the printing trade of the country. The Mayors of the city referred to were Daniel Rapine, Roger C. Weightman, Joseph Gales, Peter Force, W. W. Seaton, and John T. Towers. Of these, Messrs. Gales and Seaton will be recognized as the long-time proprietors of the *National Intelligencer*; and in addition to those mentioned, the records of the city disclose the names of other printers prominent in city affairs, such as Cornelius Wendell and Jacob Gideon, Jr.

For some cause, a difference arose between Corse and Pittman growing out of their relations to the *Herald*; and as Corse's relation to the *Herald* ceased in 1819, when Pittman became connected therewith, and the publication of the paper ceased November 16, 1826, and the difference between Corse and Pittman, if it had arisen prior to the last-named date, had seemingly not become acute until subsequent thereto, it is surmised that the trouble between the men arose from an unpaid indebtedness of Pittman to Corse, growing out of the conditions of the former's becoming connected with the enterprise.

However this may be, some time during the year 1827, Pittman removed from Alexandria to Washington and there nursed his grudge against Corse until

the assault upon the latter, made, as stated, on Monday night, December 17, 1827.

At the time, Pittman was living in a house on the site to the east of the premises now numbered 923 Pennsylvania Avenue, northwest, and occupied by Woolworth's Five and Ten Cent Store. His immediate neighbor, whose place of business and residence were on a part of the site now occupied by Woolworth's, was my grandfather, James Galt, the founder with Wallace Adam at Alexandria, Virginia, of the jewelry business now conducted under the name of Galt and Brother at Number 1107 Pennsylvania Avenue northwest. Pittman had known my grandfather and his family while both were living in Alexandria, and both removed to Washington at practically the same time. While nursing his grudge against Corse, however, Pittman made little if any disclosure thereof, so that so much of it as was disclosed at the trial came from the lips of Corse himself; but so far did Pittman's hatred of Corse carry him that he resolved to kill Corse, and to that end carefully laid his plan, which, as the sequel will show, notwithstanding its risks and difficulties, was all but successfully carried out.

The two prominent ideas in Pittman's mind were to kill Corse under conditions when no witnesses might be present, and at a time when he might successfully establish an alibi. The latter is clearly indicated by Pittman's communication to the *Alexandria Gazette*, of which, as above seen, a notice appeared in the issue of that paper of December 20, three days after the assault, and the day following the *Gazette's* account of the event; for, as will be recalled, not only did Pittman deny the commission of the act, but he also expressed a willingness to submit to the most rigid

examination and to visit Alexandria for that purpose, promising the most incontestable proof "that he was at no time in Alexandria on Monday."

From his long residence in Alexandria and his knowledge of Corse's habit in respect of going to his place of business in the evening and returning home therefrom by a regular route, between nine and ten o'clock, Pittman selected the place of his intended crime, being at an intersection of two streets at one corner of which stood a store having a penthouse over the entrance door, the recess of which was sufficiently deep to enable one to stand so that in the shadow he would be scarcely, if at all, observable by passersby. At the extreme corner of the side-walk, or rather the point of junction of the two side-walks adjoining this store, stood a street light, consisting of a lamp surmounting a pole in the form then usual. Such a point would not seem naturally one to be selected for Pittman's purpose, but he planned to make his assault upon a night on which the streets would be free of possible witnesses.

With the details thus carefully planned, Pittman awaited an opportune occasion, and found the night of Monday, December 17, admirably suited to his purpose. The day was wintry and rainy and the ensuing night dark and stormy. Throughout the day Pittman was careful to keep himself in evidence about places and among friends and acquaintances, where and by whom he was well known, and in the evening between seven and eight o'clock, and as near the latter as he ventured so to do, he left his home and visited my grandfather's residence, inviting the latter, in half-merry fashion, to repair with him to a neighboring tavern to have a glass of ale by way of antidote to the weather. At this tavern he was also seen by all there

found, and after a brief loitering bade those assembled goodnight.

Being safely out of range of observation, he hastened to a spot where, by previous employment, he had in waiting a hack with a colored driver, and thence he was driven under orders to the driver to make the best time possible to the Washington end of the Long Bridge, at which stood a toll house. Knowing the rate of toll, as the toll gatherer approached the vehicle Pittman, so crouched within the hack as to make his identification impossible, passed out the exact toll for the passage of the vehicle over the bridge and back. The vehicle then proceeded at a rapid pace until it came within the limits of Alexandria, where the hackman was paid and dismissed with orders to return to Washington.

Selecting a route that would guard him as much as possible against the possibility of observation, Pittman went to the scene selected for the tragedy, and took position in the doorway of the store mentioned, awaiting the passage of Corse from his place of business to his home. Not long after Pittman had thus disposed himself, he saw Corse coming up the street, and awaiting until the latter was within range of the light from the street lamp, he walked deliberately out onto the side-walk, disclosing his identity to Corse in order that the latter might know to whom his intended death would be due, and with an imprecation fired point-blank into Corse's body. Revolvers not then being in use, and Pittman being armed with only one weapon, but one shot was fired, and Corse sank to the ground, apparently mortally wounded, if not actually dead.

Hurrying away into the darkness and storm, and seeking his way through streets comparatively unfre-

quented by day and, as a rule, totally deserted by night, Pittman found his way to the river front, where, with a plausible tale of unexpected detention in the city, and concealing his identity as far as possible by turning up the high collar of his coat, and drawing his hat over his eyes and face as though to protect himself from the storm, he induced a fisherman at the river front to row him across the river to Giesboro Point, where he dismissed his boatman, and whence he walked over the wet and muddy ground to the bridge spanning the Anacostia River or Eastern Branch, over which he passed to the city, and thence to his home, which he reached about two o'clock in the morning. The only occupant of his house, besides himself, was a negro servant, who did not hear him as he let himself in; and the next morning Pittman appeared about his familiar haunts, and was seen by his friends and acquaintances as usual.

Corse's wound not having proved fatal, as soon as he was in condition to make any statement of the occurrence he positively declared that it was Pittman who shot him, that he had recognized Pittman beyond a doubt, and that the latter had seemed to be at pains to make his identity known. On the same day, namely, December 19, on which the report of the crime appeared in the *Alexandria Gazette*, Pittman, as has been seen, was brought before the Circuit Court at Washington, on a bench warrant charging him with the assault; and immediately, in view of Corse's positive identification of his assailant, and Pittman's equally positive denial of being the guilty party, the affair engaged the universal and active interest of the communities of both cities, and indeed of the entire District. The crime having been committed in Alexandria County, being that portion of the State of Vir-

ginia then included within the limits of the District of Columbia, Pittman was there indicted at the April, 1828, term of the Court, and, as has been stated, in ordinary course Pittman was entitled to have his trial postponed until at least the following November, when, as related, he sought and obtained a change of venue from Alexandria County to Washington.

At the trial in December, 1828, the prosecution was conducted by Edward Swann, who in 1821 had succeeded General Walter Jones as United States District Attorney, and Pittman was defended by Christopher Neale, Esquire, of Alexandria, who, like most, if not all, members of the bar at the time, practised in both Alexandria and Washington. The Court was composed of William Cranch, Chief Justice, and Buckner Thruston and James S. Morsell, Associate Justices, the Criminal Court for the District created by Act of July 7, 1838, being not yet in existence. All three of the judges sat at the trial, which was held in the room in the City Hall, commonly known as Criminal Court number 1, and historic by reason of the many celebrated cases there tried, including those of Daniel E. Sickles for the murder of Philip Barton Key, and of Guiteau for the murder of President Garfield.

The principal witness for the prosecution was, of course, Pittman's victim, Corse, who detailed his acquaintance with Pittman, their respective relations to the *Alexandria Herald*, the difficulty between the two that had grown out of those relations, and the bitter enmity of Pittman thereby engendered and manifested in various ways; in addition to which he told, in circumstantial detail, the story of the assault, stating positively and impressively his certainty of his assailant.

Neither the hackman who drove Pittman to Alexan-

dria, nor his house servant, who had reported finding Pittman, during the day after the assault, engaged in removing mud from his shoes and garments, could be put upon the stand, for the reason that, at the time, by Act of Maryland of 1717, Chapter 13, Sec. 2, then in force, the enlightened law of the jurisdiction was as follows:

“That from and after the End of this present Session of Assembly, no Negro, or Mulatto Slave, Free Negro, or Mulatto born of a White Woman, during his Time of Servitude by Law, or any Indian Slave, or Free Indian Natives of this or the neighboring Provinces, be admitted and received as good and valid Evidence in Law, in any Matter or Thing whatsoever, depending before any Court of Record, or before any Magistrate within this Province, wherein any Christian white person is concerned.”

And it was not until July 2, 1862, that Congress, by the Act of that date, forbade the exclusion of a witness on account of color.

The toll gatherer was, however, produced as a witness, but all that he could say was that on the night in question a hack driven by a negro passed his toll-gate at about eight o'clock in the evening with a passenger inside, who had so disposed himself as to put him beyond possibility of observation, and that from the gloved hand with which the toll was handed him, he could not determine whether the occupant was white or black.

Pittman, of course, could not testify in his own behalf, as at the time not even a party in a civil case could testify in his own behalf; and it was not until the passage of the Act of Congress of July 2, 1864, that such parties could testify, nor until the Act of March 16, 1878, that a party accused of crime was

made a competent witness, and even then he was made competent at his own request, but not otherwise.

Pittman's defense was therefore reduced to the establishment of an alibi, a situation for which, as indicated, he had carefully prepared. He put upon the stand witness after witness to prove his presence in Washington throughout the day of the occurrence, and the others who had seen him in the tavern, thereby placing himself in Washington quite, if not fully, as late as eight o'clock in the evening.

But his star witness was a Mrs. Hunter, who, at the time, kept a well-known eating-house on the north side of C Street, east of Sixth, on the site afterwards occupied by Sproh's Germania Hotel. This worthy and altogether creditable woman testified that Pittman was a nightly visitor to her place, quite invariably at or near the hour of nine o'clock; that his presence there was so regular that she could not have failed to observe his absence for even one night, and that she was positive that on the night of December 17 Pittman was at her place at his accustomed hour. Doubtless she was helped in her failure to note Pittman's absence by the fact that the crime occurred on the evening of Monday, following Sunday, on which latter day the place was uniformly closed. But, however this may be, no amount of cross-examination could shake her, and she sturdily and consistently adhered to her story of Pittman's presence on the occasion.

It was a very fair opportunity for Pittman's counsel; for, as the enmity between him and Corse might be appealed to as a motive for the assault, by the same token it might be appealed to as a reason for Corse's being mistaken in his identification of his assailant, it being natural for one under such conditions to look for his assailant in the person of his declared enemy,

and in the excitement of the occasion to identify him as such; in addition to which, the clearness and unquestioned credibility of the witnesses who had placed Pittman in Washington throughout day, and until an hour of the evening making the interval between it and the hour of the assault so short as to render improbable Pittman's reaching the scene of the act in time for its commission at the hour fixed, might well raise, in any mind, the reasonable doubt which alone suffices to demand the acquittal of one accused of crime.

That Pittman, however, was not sure of his fate at the hands of the jury was evidenced by an incident on the morning of the day when the case was to be submitted for verdict. It was not the practice in those days for the Court to charge the jury, but only to pass upon written instructions presented by counsel on either side, and on the preceding day the testimony had been practically, if not entirely, closed, and there remained but the submission of the case by the Court to the jury. Being about to go to Court to hear his fate, Pittman stepped into my grandfather's establishment, but finding him absent at the moment accosted my grandmother with the remark, "I am going to the court house to hear the verdict in my case, and if it is guilty this is the last you will see of Henry Pittman." Before my grandfather's return, and while my grandmother was even yet under the excitement and nervousness of the communication which she had received, Pittman reappeared with the announcement of his acquittal.

At the time, the result of the trial was met with many shakings of the head, and doubts as to its justice, and in due course, when the facts, as narrated, were developed and became the common property of the community, the odium visited upon Pittman became

too great for him to bear, and almost over night he disappeared from Washington for parts unknown, and when, and where, he died, I have never been able to learn; but for the rest, I have the story as it was frequently and vividly related to me by members of my family who bore to the occurrence the relation indicated. Other details than those given have defied my search, and that of others whose interest I have enlisted, to the end that the story might be told in its fullness. But I think it safe to say that the criminal annals of the District do not carry a more interesting, or in its way celebrated, case.

And Pittman's threat of suicide anticipated the act of George A. Gardiner, subsequently tried, in an equally celebrated case, in the same court room, upon a charge of fraud in obtaining a large award from the Mexican Claims Commission, because of alleged damage to a silver mine he claimed to own in that country. On Gardiner's first trial in 1851, the jury disagreed, but on his second trial in 1854, he was found guilty, and upon the rendition of the verdict was seen to slip something into his mouth, and on reaching the jail, then in the neighborhood of the court house, he fell to the floor, and in a short time died from strychnine poisoning.

And, also, Pittman's aversion to going into the dock to plead had something of a reminiscence during the trial of Guiteau. It will be recalled that throughout that trial Guiteau indulged in outbursts and interruptions, many of which were of such a character as to be unfit for report and others called for exercise of the strictest censorship. Comparatively early in the progress of the case, his offense in this particular was so great that Judge Cox, who presided, and whose patience under the circumstances was the wonder of

the day, was finally driven to deprive Guiteau of the right of sitting at the trial table with his counsel, and to order him into the dock. This much discussed action of the court had, partially at least, the desired effect, and in order to be permitted to resume his seat at the table, Guiteau promised to avoid for the rest of the trial his offensive behavior, and accordingly again took his place beside his counsel on this condition, his highly original conception regarding observance of which on more than one occasion threatened his resumption of the dock.